

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JOHN BARCENAS, *et al.*,  
Individually and as representatives of a  
class of similarly situated persons,

Plaintiffs,

v.

RUSH UNIVERSITY MEDICAL CENTER,  
*et al.*,

Defendants.

Case No: 1:22-cv-00366-GSF

July 29, 2022

**PLAINTIFFS' UNOPPOSED MOTION FOR  
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs, John Barcenas, Mary Brown, Patrick Russo, and Teneka Ware, on behalf of the proposed Settlement Class and the Rush University Medical Center 403(b) Retirement Savings Plan (the “Plan”), hereby move (the “Motion”) pursuant to Federal Rule of Civil Procedure 23 for entry of an Order that: (1) preliminarily approves the Settlement Agreement dated July 29, 2022 with Defendants, Rush University Medical Center, the Board of Trustees of Rush University Medical Center, the Rush University Medical Center Investment Committee, and the Rush University Medical Center Administrative Committee;<sup>1</sup> (2) preliminarily certifies the proposed Settlement Class; (3) approves the proposed notice plan (“Notice Plan”) in the Settlement Agreement and proposed Preliminary Approval Order; and (4) sets a final approval hearing on a date convenient for the Court at least 140 days after the entry of a preliminary

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<sup>1</sup> The Settlement Agreement and its exhibits are attached to the accompanying Declaration of Alec Berin. Terms not defined herein shall have the same meaning as in the Settlement Agreement.

approval order. A proposed Preliminary Approval Order is attached as Exhibit C to the Settlement Agreement.

For the reasons set forth in the Settlement Agreement, accompanying memorandum of law, and all supporting papers, as well as the record in this litigation, Plaintiffs respectfully submit that the proposed settlement memorialized in the Settlement Agreement (the “Settlement”) is fair, reasonable, and adequate, and should be preliminarily approved so that notice can be provided to the Settlement Class.

The Settlement is the product of arm’s-length negotiations between the parties and their counsel, all of whom comprehensively litigated this matter, are well-informed regarding all the issues in this litigation, and have significant experience in complex litigation of this type. Accordingly, Plaintiffs respectfully request that the Court enter the proposed Preliminary Approval Order and, if the Court deems necessary, schedule a preliminary approval hearing at its earliest convenience.

Plaintiffs stand ready to provide any additional information that the Court may require in connection with its consideration of the Motion.

DATED: July 29, 2022

Respectfully submitted,

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